G. R. S. IX-5]

Previous references.

File No. 38-21

192 /.

Serial Nos. 1-2.

(do.)

Later references.

do. 140-22 (1-9)

Preserve

Preserve
3/25/1943

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

Part B for August 1921.

SUBJECT.

Extradition of Nanku Sah, Silwan Sah Kanku Sah and Hanif Sah accused under Section 379 & 411 I.P.C. in C.C. No. 98 of 20-21 on the file of the Subordinate Magistrate of Abohar.

8(2) To the D.C. Kolar DC.
No. 785 of 16-8-21.

Requests that arrangements may be made to prosecute the offenders in British India under Sec. 411 I.P.C.

17/8/21 dm

WD 1888—GPB—16,826—23-7-21

G. R. S. III—1] 1924-22 304

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 38-4

FILE HEADING.

Extradictions of Mastan Sab, Sulemansab Mastan Sab and Hanif Sab accused under section 379 or 411 I.P.C in C.C. no 98 of 20-21 on the file of the Amildar Magistrate of Malur. Kolar Dt.

From

The Amildar Magistrate Kolar Dt

Rfc No. 57 Dated 21-7-1921 Received 22.7.1924

Diary No. 304	Enclos. Nil Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards ~~Extradictions~~ a memo and an application for a warrant together with preliminary records in C.C. nos 98 of 20-21 on the file of the Amildar Magistrate of Malur and requests that the Honble the Board may be moved to issue warrants for the arrest of the accused, Mastan Sab, Sulemansab, Mastan Sab and Hanif Sab.

NOTES AND ORDERS.

Memo of evidence and the English translations of depositions have been received. Submitted with the usual draft

C.J. 22/7

26/7/24 The case seems similar to the case of Madanagiramma — what may be the health in B. India ~~and how to obtain~~ ~~evidence of witnesses~~ as the accused were caught with the property in B. India and some of the witnesses & accused are British subjects

26/7

NOTES—First Sheet.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 26 of 1921.

Serial No.

1) There seems to be no evidence of theft in the Mysore State, and it appears to be doubtful whether an extradn warrant can be applied for. If the Dist. Magte considers it necessary, he may make arrangements to prosecute the offenders in B. India under S. 411 I.P.C. as in the recent case in which the Residency decided to issue an extradn warrant.

Subd from orders

D. M. 2/8/21

2nd Member 3) Depy Superintendent 31/7

31/7 D. M. 1/8

Draft submitted

5) Mano Mohan Ghosh 2/8 2/8

Mo 485 dt 16.8.1921.

Requests that arrangements may be made to prosecute the offenders in British India under Sec 411 I.P.C.

6 9/8

NOTE—Contn. sheet.

2548/13 Recd by regd post.

From

The District Magistrate,
Kolar District.

To

The Secretary to the Government of
Mysore, Revenue Department,
Bangalore.

Dated 20th July 1921.

GEN & REV. SECTT.
22 JUL 1921

Despatched. 21

Received.

General No: Rgl 5 21-22
No:

Encs. Receipts

Subject.

Submitting an application for the surrender of three persons concerned in C.C.No: 98 of 20-21 on the file of the Amildar and 2nd Class Magisttrate of Malur.

SECRETARIAT
22 JUL 1921

41

Office of the District Magistrate, Kolar District.

Dated Kolar, the 20th July, 1921.

Rec'd 24-7-21 Confidential No. 304 J.

From

Md. Ziruddin Mecci, Esq., B.A.,
District Magistrate, Kolar District.

To

B. Rajaswamaiya, Esq., B.A., B.L.,
Secretary to Government of Mysore,
Revenue Department, B a n g a l o r e.

CS 38-21

Sir,

I have the honor to forward herewith, an application, with the connected records, for the surrender of the marginally noted persons, against whom, a prima facie case, under Section 379 or 411 I.P.C., has been made out, in C.C. 98 of 20-21, on the file of the Amildar and 2nd Class Magistrate of Malur, and to request that the Hon'ble, the Resident, in Mysore, may be moved to kindly issue the necessary warrant, for their surrender, to the Inspector of Police, Malur.

1. Mastan Sab.
2. Sileman Sab.
3. Mastan Sab.
4. Hanif Sab.

2. It is reported that the accused persons, referred to, surrendered themselves to the Stationary Sub Magistrate of Hosur, who has enlarged them on bail.

3. The memo of evidence, with the translations, is also enclosed.

I have the honor to be,
S i r,
Your most obedient servant,

District Magistrate,
Kolar District.

RJB

Office of the District Magistrate, Kolar District.

Dated Kolar, the 20th July 1921.

Memo.

This is a case in which, one Mastan Sab and 3 others, have been accused of having committed theft of sandalwood, from the garden of P.W.1 Muniga, in the village of Anakarhalli, Malur Taluk, or have dishonestly received or retained sandalwood, knowing the same to be stolen property, under Section 379 or 411 I.P.C, the facts of which, are briefly as follow:-

2. P.W.1 Muniga, (a toty), owns a garden in the village, which has sandal trees. Finding that 2 trees had been sawn and removed from his garden, he reported the matter to the Patel, P.W.2. The latter on an inspection of the place, sent a report on 1-1-21, to the Forest Range Officer at Bowringpet, who, on receipt of the same on the 6th idem, went to the spot on 25-1-21 and after inspection of the scene of the occurrence, drew up a mahazar, as to the condition of the stumps of sandal trees, found sawn, as above.

On the 30th December 20, P.W.3, Muniappa, a resident of Berke, Hosur Taluk, Salem District, observed the four accused persons, working on sandal pieces, with an axe and hatchets, in his garden, which, owing to its bushy nature, had been left uncared for, and when he questioned them, as to what the matter was, they threatened him by staring at him. Whereupon, P.W.3, returned to the village and informed the Forest Ranger of the place, (P.W.6), of the occurrence. The latter immediately sent P.Ws 4 & 7 and 3 others to the garden, who found the four accused actually working the sandal wood pieces, with 2 hatchets and an axe. They also found with the accused, 10 worked billets, one unworked billet and a bundle of 62 white sandal chip pieces. They seized these articles, and placed them along with the accused, before the Forest Range Officer of Berki, who examined them and sent a report to his superior officer, keeping the property in the custody of P.W.5, the Village Munsiff. It is also in evidence, that the pieces, found, were quite green. As these pieces, on a comparision, were actually found to tally with, and form part of, the trees cut in the garden of P.W.1, a charge sheet was placed before the Taluk

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Magistrate,Malur, against the four accused,for offences under Sections 379 or 411 I.P.C.

3. In all,8 witnesses have been examined for the purpose of this enquiry.

P.W.1 Muniga,who is the owner of the garden, speaks to the removal of the 2 sandal trees therefrom. He has also identified a few of the sandal pieces, found in the garden of P.W.3 Muniappa, at Berke, as having formed part and parcel of the sandal trees,stolen from his garden at Ankarhalli.

P.W.2 is the Patel of the village of Ankarhalli,who sent to P.W.8,the report of the occurrence of the theft,in the garden of P.W.1 and accompanied the latter to Berki and was present when some of the pieces,discovered there, were compared with the uprooted stumps of the trees,sawn and found to have formed part of them.

P.W.3,Muniappa of Berki, is the person who actually saw the accused persons scraping the sandal trees in his abandoned garden and he speaks to the seizure of the accused, the sandal chips and the implements,by the Forest Guards and others,deputed by the Ranger, P.W.6, on the information,furnished by him. (P.W.3).

P.W.4 and P.W.7(a Forest Guard), corroborrate the statement of P,W. 3,in entirety.

P.W.5 is the village Munsiff of Berki,to whose custody,the sandal pieces,found with the accused,were given by P.W.6. He was also present when the stumps were compared with the pieces and found to tally.

P.W.6 is the Forest Ranger of Berki, under whose directions, P.W.7, a guard,P.W.4 and others,were deputed to seize the accused,and the chips of sandal wood that were being worked by them.

P.W.8,the Forest Ranger of Bowringpet,deposes to having gone to Ankarahalli and inspected the garden of P.W.1,from which, the sandal trees had been stolen. On information received from Berki,that some sandal pieces had been found there, he went thither and subsequently found,by comparison,that these pieces tallied with,and formed part of, the trees stolen.

4. Thus,it may be seen,a prima facie case for offence under Section 379 or 411 I.P.C.,has been made out against the accused persons, whose

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whose surrender is sought for.

District Magistrate,
Kolar District

V.V.R.

APPLICATION FOR A WARRANT, UNDER ACT XV OF 1903,

THE INDIAN EXTRADITION ACT.

1.	Officer, to whom the warrant should be issued.	District Magistrate, Salem District.
2.	Magistrate of the District or the authority who wants the warrant, issued.	District Magistrate, Kolar.
3.	Name and description of accused per-	1. Mastan Sab, bin, Nasyam Syed sab, aged about 40 years. 2. His son-in-law, Sileman Sab, about 28 years old. 3. Mastan Sabi, bin Ramsha, -- about 30 years old. 4. Hanif Sabi, bin Rahiman Sab, aged about 25 years. residents of Beraki.
4.	Name of the offence committed & section of the I.P.C., under which, the accused is charged.	Theft, under section 37 or receiving or retaining stolen property, under section 411 I.P.
5.	Place and date of occurrence.	Anikarally village, Mysore state, about 29-12-1920.
6.	Where, under whose custody, the -- accused person is supposed to be.	It is reported by the Police Inspector, Malur, that the -- accused surrendered themselves to the Stationary Sub Magistrat Hosur, who has enlarged them on bail.
7.	Whether the accused is alleged to have absconded.	N o .
8.	Officer, to whom the accused to be delivered.	Inspector of Police, Malur.
9.	Place, at which, the accused should be delivered.	M a l u r.
10.	Whether accused is a British subject, or a subject of Mysore, or to which state he belongs.	British Subjects.
11.	Place of domicile of the accused and his whereabouts.	Beraki, Hosur Taluk, Salem District.

District Magistrate,
Kolar District.

MRR.

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to 204

General and Revenue Secretariat

Section Court

File No. 38 of 21

Serial No.

No.

the 191

To

The Distt: Magistrate

Date of issue 16/8

Signed by

Sir

With reference to your letter No. R-J. C 57/21-22 dated 20 July 1921 requesting that the Hon. the Resident may be moved for the issue of extradition warrants for the surrender of the marginally noted persons

over.

1 Mastan Sab
2 Sileman Sab
3 Mastan Sab
4 Hanif Sab

accused in C. C. 98 of 20-21 on the file of the Assistant 2nd class Magistrate of Malur

for offences alleged to have been ~~Committed~~ Committed by them under Sections 379 or 411 of the I.P.C I am directed to state that from the records there appears to be no evidence ~~of~~ Committed of theft in the Mysore State and it is doubtful if extradition warrants can be applied for, in such Cases. ~~of this nature~~ If the ~~Dist~~ Magistrate considers it necessary ~~to~~ arrangement may be made ~~may arrange~~ to prosecute the offenders in British India under Sec: 411 I.P.C. ~~they~~ are ~~British Subjects~~ residing in B. India & the Sandal wood pieces were found they & as such they Cannot be tried in Mysore Courts Vide Hayes L.R 17 page 77.

and a prima facie Case has been made out only ~~prima facie~~ under Sec 411 I.P.C. & the offenders are British subjects & the property was found in B. India they can be tried ~~for offences~~ ~~in British~~ by the Courts having jurisdiction in B. India &

List of enclosures.
~~with the Case~~ are returned

Copied by

Examined by

I have &c

Secy to Govt
Rev Dept